



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(219)

CRM-M-35211-2026 (O&M)

Date of Decision: **08.07.2026**

ARBAJ

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-:-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Samay Singh Sandhawalia, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Mohd. Tarif, Advocate
for the complainant (**through V.C.**).

-:-

VIRINDER AGGARWAL, J. (Oral)

1. The present is the first petition instituted under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to the erstwhile Section 439 of the Code of Criminal Procedure, 1973) seeking the concession of regular bail in criminal proceedings arising out of FIR No. 36 dated 16.03.2026 (**Annexure P-1**), registered at Police Station City Ferozepur Jhirka, District Nuh, under Sections 109, 115, 126, 3(5), 54 and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 307, 323, 34, 506, 114 and 339 of the Indian Penal Code, 1860).
2. Succinctly stated, the prosecution case is that the present FIR came to be registered on the complaint of Sabbir, son of Iliyas, a resident of Village Maholi, alleging that on 13.03.2026 at about 9:00 p.m., his son



Rihan, while proceeding towards Village Bilonda via Dhadoli Khurd, was intercepted near Village Dhadoli Khurd by Maksood, Arbaj, Rohil, Irshad and Jamshed, who were allegedly armed with deadly weapons. It is alleged that the accused restrained the injured, proclaimed their intention to kill him, and thereafter assaulted him. As per the FIR, Maksood inflicted a rod blow on the head of the injured, causing him to lose consciousness, while Arbaj allegedly inflicted a blow on his waist and the remaining accused also assaulted him with hockey sticks. Believing the injured to be dead, the accused allegedly fled from the spot. On the basis of the aforesaid allegations, the present FIR came to be registered.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is contended that the petitioner is a young man aged about 25 years and that, as per the allegations contained in the FIR, the grievous and dangerous-to-life injury on the head of the injured was specifically attributed to co-accused Maksood. However, during the course of investigation, allegedly owing to the political influence exercised by the said co-accused, he was declared innocent and the very same injury came to be attributed to the present petitioner. It is further submitted that the petitioner has remained in judicial custody since 20.03.2026, the investigation stands concluded, and the challan has already been presented. Learned counsel also submits that co-accused Rohil has already been enlarged on regular bail by this Court in CRM-M-34103-2026, vide order dated 23.06.2026 (Annexure P-2), and, therefore, the petitioner also claims the concession of bail on the principle of parity.



4. Per contra, learned State counsel, assisted by learned counsel for the complainant, opposes the present petition and submits that the FIR was lodged by the father of the injured and, after the injured Rihan regained consciousness, his statement was recorded during investigation. It is contended that in the said statement, the injured has specifically attributed the head injury to the present petitioner. It is further submitted that the said injury has been declared grievous and dangerous to life in the medical evidence. Accordingly, having regard to the specific role attributed to the petitioner and the gravity of the offence alleged, it is prayed that the present petition, being devoid of merit, deserves to be dismissed.

5. The custody certificate tendered by learned State counsel is taken on record, subject to all just exceptions.

5.1. I have heard learned counsel for the parties and have carefully perused the paper book with their able assistance.

6. Upon a *prima facie* consideration of the material available on record, this Court is of the considered view that the case of the present petitioner does not stand on the same footing as that of co-accused Rohil, who has already been enlarged on bail, as the said co-accused was attributed only the role of raising a '*Lalkara*'. In contrast, the present petitioner has been specifically attributed the role of inflicting a hockey blow on the head of the injured, which is a vital part of the body. The medical record reveals that the injured sustained a wound measuring approximately '*4x1 cm*' over the left fronto-parietal region, which has subsequently been opined by the Medical Officer to be grievous and



dangerous to life. Furthermore, the weapon of offence is stated to have been recovered pursuant to the disclosure statement made by the petitioner. Although the petitioner has remained in judicial custody for about three months and sixteen days and the challan has already been presented, the trial is still at its nascent stage.

7. Having regard to the nature and gravity of the allegations, the specific role attributed to the petitioner, the seriousness of the injury sustained by the complainant, the recovery allegedly effected at the instance of the petitioner, and the fact that even the examination of the complainant has not yet commenced, this Court does not find it to be a fit case for grant of the concession of regular bail at this stage. Accordingly, without expressing any opinion on the merits of the case, the present petition, being devoid of merit, is hereby **dismissed**.

8. In view of the final adjudication of the present petition, all pending miscellaneous applications, if any, shall also stand disposed of. No separate order is called for in respect thereof.

08.07.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No